

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Philpott, Sean et al.  
Serial No. : 09/963,064  
For : Analysis of HIV-1 Coreceptor Use in the Clinical  
Care of HIV-1-Infected Patients  
Filed : 9/25/2001  
Examiner : Stucker, Jeffrey  
Art Unit : 1648

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an envelope  
addressed to: Asst. Commissioner of Patents and Trademarks  
Washington, DC 20231, on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

*Thomas J. Kowalski*  
\_\_\_\_\_  
Signature

*5 Mar 03*  
\_\_\_\_\_  
Date of Signature

**DECLARATION UNDER 37 C.F.R. §1.131**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Sean Philpott, Barbara Weiser, Harold Burger, and Christina Kitchen each hereby declare as follows:

I am a citizen of the United States of America and a named inventor in the above-identified application.

I conceived of the subject matter of U.S. Application Serial No. 09/963,064 ("the '064 application") in the United States prior to the date of January 28, 2000, the publication date of Clerici et al, (2000) "Different immunologic profiles characterize HIV infection in highly active

antiretroviral therapy-treated and antiretroviral-naive patients with undetectable viraemia. The Master Group." AIDS 14(2):109-16 ("Clerici et al.").

The conception of the subject matter of the '064 application is evidenced by Exhibit A, attached hereto, which is a copy of a meeting abstract, which was published prior to January 28, 2000.

I continued to develop additional embodiments of the invention in the U.S. and promptly and diligently forwarded written descriptions of such additional embodiments to Health Research Inc.'s attorney in the U.S. Various communications regarding this application were sent and received by me in the U.S. U.S. Provisional Patent Application No. 60/235,671 was filed on September 26, 2000 and U.S. Provisional Patent Application Serial No. 60/282,354 was filed on April 6, 2001. This application claims priority to U.S. Provisional Patent Application No. 60/235,671 and U.S. Provisional Patent Application Serial No. 60/282,354.

The subject matter of said application was conceived by me in the U.S. prior to January 28, 2000 and was diligently pursued by me until a constructive reduction to practice was achieved by the filing of U.S. Provisional Patent Application No. 60/235,671. The '064 application is entitled to antedate Clerici et al.

We further declare that all statements made herein are true and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

3/1/03

Date

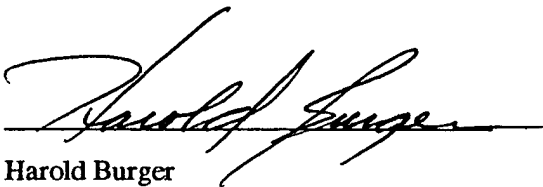
Barbara Weiser

Barbara Weiser

3/1/03  
Date

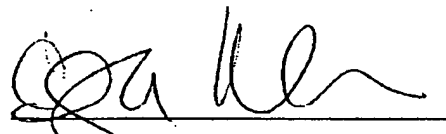
  
Sean Philpott

MARCH 3, 2003  
Date

  
Harold Burger

PATENT  
454311-2220.1

3/3/03  
Date

  
Christina Kitchen

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

ANALYSIS OF HIV-1 CORECEPTOR USE IN THE CLINICAL CARE OF HIV-1 INFECTED PATIENTS  
the specification of which:

- ☐ is attached hereto  
☒ was filed on September 25, 2001 as:  
☒ United States Application Serial No. 09/963,064  
☐ as a National Phase or Continuation or Continuation-in-Part or Divisional of  
PCT Application No. \_\_\_\_\_, filed  
and designating the U.S., and published as \_\_\_\_\_ on  
☒ with amendments through date even herewith or execution date hereof (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	<u>Priority Claimed:</u>	
			<u>Yes</u>	<u>No</u>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States application listed below:

60/282,354	06/04/01
60/235,671	26/09/00
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)


I hereby appoint William S. Frommer, Registration No. 25,506, Thomas J. Kowalski, Registration No. 32,147, Amy Leahy, Registration No. 47,739, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

William S. Frommer, Esq.  
c/o FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

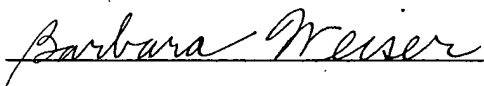
Direct all telephone calls to: (212) 588-0800  
to the attention of: Thomas J. Kowalski

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

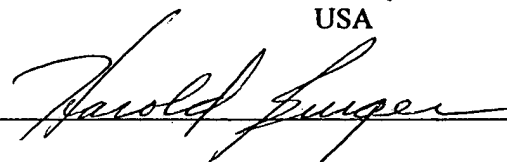
## INVENTOR(S):

Signature:   
Full name of sole or first inventor: Sean Philpott  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Date: 10/19/01

Signature:   
Full name of 2nd joint inventor (if any): Barbara Weiser  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Date: 10/19/01

Signature:   
Full name of 3rd joint inventor (if any): Harold Burger  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Date: 10/19/01

Signature: \_\_\_\_\_  
Full name of 4th joint inventor (if any): Christina Kitchen  
Residence: Department of Biostatistics  
UCLA School of Public Health  
10833 Le Conte Avenue  
Los Angeles, CA 90095  
Citizenship: USA

Date: \_\_\_\_\_

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

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the specification of which:

- ☐ is attached hereto  
☒ was filed on September 25, 2001 as:  
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Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)Application Number:Filed (Day/Month/Year)

Priority Claimed:

<u>Yes</u>	<u>No</u>
<input type="checkbox"/>	<input type="checkbox"/>
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Direct all telephone calls to: (212) 588-0800  
to the attention of: Thomas J. Kowalski

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INVENTOR(S):

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of sole or first inventor: Sean Philpott  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of 2nd joint inventor (if any): Barbara Weiser  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of 3rd joint inventor (if any): Harold Burger  
Residence: Wadsworth Center  
120 New Scotland Avenue  
Albany, New York 12208  
Citizenship: USA

Signature:  \_\_\_\_\_

Date: 10/20/01

Full name of 4th joint inventor (if any): Christina Kitchen  
Residence: Department of Biostatistics  
UCLA School of Public Health  
10833 Le Conte Avenue  
Los Angeles, CA 90095 -1772  
Citizenship: USA